

document in one of two ways: by manually imprinting the notary seal using the electronic signature capture device pad, or, alternatively, by utilizing an electronic device that is encrypted with the equivalent of the notary's stamp in the form of source code which embeds the notary code in the authoritative document.

## **CLAIMS**

Applicant presents the claims with the current status of each claim (as amended in Applicant's response to the First Office Action) identified.

Claims 1-4, 8-28, 30-56, 59-74 are pending.

Claims 6, 7, 29, 57, 58, 75, 76, and 77 are canceled.

Claim 78 is new.

## **APPLICANT RESPONSE TO THE OFFICE ACTION**

Having amended the substitute specification in accordance objections raised in the Final Office Action, Applicant responds to the substantive arguments presented by Examiner, as put forth below.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

Applicant notes Examiner's objections to claims 1-5, 8-28i, 30-56, 59-74 and 78 with respect to 35 U.S.C. § 112. Applicant respectfully traverses. Applicant respectfully submits that the amended claims (appended hereto) address the foregoing noted informalities raised pursuant to U.S.C. § 112. Applicant further submits the claims, as amended, are in condition for allowance, and respectfully requests that the Examiner's objections be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

**OBVIOUSNESS**

Examiner has rejected claims 1-77 of the pending application as being unpatentable over US Application 2001/0002485 (hereinafter referred to as "Bisbee")<sup>2</sup> in view of US Patent 5,712,914 (hereinafter referred to as "Aucsmith") further in view of US Patent No. 6, 317,777 (hereinafter referred to as "Skarbo").

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<sup>2</sup> Applicant respectfully submits that the Examiner's arguments may have been rendered moot with respect to the Bisbee application; said application was issued a final rejection by the USPTO on 3/21/2005 and again on 01/05/2006. Applicant notes that a RCE was filed with the USPTO on 7/13/2005, and on 03/06/2006, respectively.

Applicant respectfully submits that Examiner's position is traversed. Applicant respectfully requests that the Examiner reconsider the 35 U.S.C. §103 objection in accordance with the arguments put forth below.

Applicant wishes to address the substantive arguments put forth by the Examiner under 35 U.S.C. § 103 on the basis of obviousness; addressing the Examiner's objections in turn as put forth in the office response.

### **U.S.C. § 103 ANALYSIS**

Examiner submits that claims 1-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisbee (US Patent Application Publication 2001/0002485), in view of Aucsmith in further view of Skarbo et al.

With reference to paragraph 12, lines 4-13, pages 6-7, Examiner cites the prior art of Bisbee as disclosing

“...a system wherein a set of parties in a networked architecture, using Transfer Agents, use a server, a Document Authentication System (DAS), in conjunction

with a notary, called a TCU. Electronic documents are transmitted to the TCU via a communication means.... The Transfer Agent relays to the TCU a set of authentication data, including digitized hand-written signatures, biometric

information, and a digital signature (certificate), which have been acquired by a transfer agent from the appropriate means.

Upon authentication of the information provided by the transfer agent, the TCU appends a certificate to the document to confirm authenticity, but does not append the biometric data, or certificates supplied by the transfer agents."

[Emphasis mine].

Applicant notes paragraphs 69-70 of Bisbee which read:

[0069] The information object is digitally signed and/or encrypted and the authentication certificate is appended by the DAS, thereby attesting to the fact that the Transfer Agent witnessed the participants sign the electronic document. The digitally signed and/or encrypted document may be electronically communicated to the TCU via a modem or computer network block 112). Other ways of communicating digitally signed or encrypted documents might be used (for example, dispatching a diskette containing the document), but the great advantage of

electronic communication is speed. [Emphasis mine]

[0070] In addition, although it is currently believed to be preferable for the Transfer Agent to digitally sign an information object before submitting the result to a TCU, it is only necessary for the Transfer Agent to "sign" an information object in a way that can be understood, legally or otherwise, as the Transfer Agent's attesting to the integrity and validity of the information object. For example, the Transfer Agent might append to an information object a digitized hand-written signature, a digitized signature and verifiable biometric information, a digital signature, or a combination of these. Alternatively, the Transfer Agent can sign an information object by connecting to a TCU using the password and other procedures of a secure protocol, such as the secure sockets layer (SSL) security protocol for the TCP/IP (Internet) communication protocol. As should be clear from this description, it is important for the DAS to assure itself that a Transfer Agent is who the Agent purports to be. If not already provided in the course of signing an object, the Transfer Agent appends a hash, a cyclic redundancy check (CRC) information element, or other type of content integrity block to the object, thereby

ensuring the integrity, i.e., unchangeability, of the  
information object. [Emphasis mine]

Applicant respectfully traverses for the reasons put forth below and addressed below.

Bisbee does not disclose the authentication of an identity, or a signature, or a document using a videoconference.

Bisbee does not disclose a method of authenticating an individual or a signature or a document person to person. Bisbee discloses a method and system of using a transfer agent to witness the input of a digital signature; said transfer agent then relays the document to a third party through email or other means.

Bisbee does not disclose a method whereby the signatory to a document is authenticated by any other process than PKI. Rather, Bisbee discloses a method that authenticates that a document originated from a signatory (transfer agent), by using cryptography to identify the sender (transfer agent) of the document and cryptography to identify signed information objects within the document.

Bisbee does not disclose the use of a notary public to authenticate an identity, or a signature, or a document. The method of Bisbee is limited to the use of a

transfer agent who inputs a digital signature after witnessing data input into a document.

Bisbee does not disclose a method whereby the document to be authenticated by the authenticator (TCU) is created by the authenticator.

Paragraph 0028 of Bisbee states:

[0028] ... there is provided a method of handling stored e-original objects that have been created by signing information objects by respective Transfer Agents, submitting signed information objects to a TCU, validating the submitted signed information objects by at least testing the integrity of the contents of each signed information object and the validity of the signature of the respective Transfer Agent, and applying to each validated information object a date-time stamp and a digital signature and authentication certificate of the TCU. The method includes the steps selecting a stored e-original object; re-validating the selected e-original object by at least verifying the digital signature of the TCU applied to the selected e-original object; and applying to the re-validated e-original object a current date-time stamp and a digital signature and current authentication certificate of the TCU. [Emphasis mine]

The method of the pending application discloses a person to person authentication, using a videoconference. Bisbee discloses a method and system of authenticating that a document originated from a signatory; using cryptography to identify the sender (Transfer Agent) of the document.

Examiner states that Bisbee discloses a method of using a notary as a means to authenticate a document (line 1, page 7). Applicant respectfully traverses. Bisbee does not use a notary public as a means of authentication of an individual, a signature, or a document.

In fact , Bisbee is silent on the use of a "notary" as a means of authentication. Upon review of the Bisbee application, one will not find the term notary used as a means of authentication in the specification. In fact, Bisbee cites it's system and method as a substitute for document authentication when a notary public is not available.

Paragraph 0003 of Bisbee states:

[0003] The continuing evolution of the methods of commerce is evident in the increasing replacement of paper-based communications with electronic communications. When communication is by electronically

reproduced messages such as e-mail, facsimile machine, imaging, electronic data interchange or electronic fund transfer, however, there no longer exists a signature or seal to authenticate the identity of a party to a deal or transaction. The traditional legally accepted methods of verifying the identity of a document's originator, such as physical presence or appearance, a blue-ink signature, personal witness or Notary Public acknowledgment, are not possible. [Emphasis mine]

The Bisbee application further states in paragraph 0004:

[0004] To address these problems, a document authentication system (DAS) has been described that provides the needed security and protection of electronic information objects, or electronic documents and other information objects, and that advantageously utilizes an asymmetric cryptographic system to help ensure that a party originating an information object is electronically identifiable as such. .... [Emphasis mine]

The Bisbee patent fails to disclose the use of a “notary”, as traditionally understood in the legal sense of the word<sup>3</sup>:

Notary publics:

Etymology: Middle English notary clerk, notary public, from Latin notarius clerk, secretary, from notarius of shorthand, from nota note, shorthand character.

: a public officer who attests or certifies writings (as a deed) to make them authentic and takes affidavits, depositions, and protests of negotiable paper—called also notary.

As paragraphs 3-4 of Bisbee depict, the method of Bisbee is to authenticate an electronic identity of an document when a notary is not available, using asymmetric cryptographic system as a means of authentication of a document. Bisbee fails to disclose any method, process, or system of notarization.

Bisbee fails to disclose a method whereby the third party authenticator (TCU) creates and issues the document being authenticated. Bisbee is premised on a transfer agent who witnesses a transaction whereby a document is digitally signed. The method of Bisbee teaches that the transfer agent conveys the document to the TCU. The TCU is not the originator of the document to be

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<sup>3</sup> Merriam Webster Online Dictionary (<http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=notary+public&x=17&y=11>)

authenticated. The TCU is the recipient of the document of the document to be authenticated and functions as an after the fact authoritative custodian.

Paragraphs 0072-0073 of Bisbee disclose:

[0072] The TCU validates the Transfer Agent's identity and rights and verifies the integrity of submitted information objects. Use of digital signatures directly supports validation of both Transfer Agent identity and information object content integrity. Once it is determined that an information object has not been altered prior to or during submission and that the object's Transfer Agent has the proper authorizations, the TCU assumes custody and control of the object and responsibility for the object's preservation by appending a date-time stamp and digitally signing the submission. [Emphasis mine]

[0073] On receiving a digitally signed electronic object (block 114), the TCU tests the integrity of the electronic object's contents, the validity period of the Transfer Agent's certificate, and the status (valid or revoked) of the authentication certificate (e.g., ITU X.509v3 certificate(s)). The test of the integrity of the object contents, which may also be called "digital signature authentication", comprises

extracting the public key from the authentication certificate,  
decrypting the digital signature (thereby uncovering the  
object's hash), computing a new object hash, and checking  
the uncovered hash against the new hash. The test of the  
validity period comprises simply ensuring that the current  
date and time falls within the validity period noted in the  
certificate. The test of the validity of the certificate  
comprises querying the PKI to determine whether the  
certificate was not revoked or otherwise restricted at the  
time of digital signing. These three tests together may be  
called a "validation" process. Successful tests signify the  
authenticity of the received digitally signed electronic  
object, that is to say, who submitted the electronic object  
and that the object's contents have not changed during the  
submission process. [Emphasis mine]

The method of the present invention discloses that the third party authenticator (VVSC) creates and issues the document being authenticated, real-time. The method of Bisbee teaches that the transfer agent conveys the document to the TCU. The TCU is not the originator of the document to be authenticated. Likewise, there exists a serious lapse in the chain of custody of the document being authenticated.

Applicant submits that Bisbee fails to disclose a method whereby an identity or a signature or a document is authenticated during a real-time, live-stream videoconference, person to person. As such, Applicant submits that its method is not anticipated by Bisbee and is patentable over Bisbee.

Applicant submits that Bisbee fails to disclose a method whereby an identity or a signature or a document is authenticated during a real-time, live-stream videoconference using a notary public. As such, Applicant submits that its method is not anticipated by Bisbee is patentable over Bisbee.

Applicant submits that Bisbee fails to disclose a method whereby an identity or a signature or a document is authenticated during a real-time, live-stream videoconference, and whereby the authoritative document is created real-time.

As such, Applicant submits that its method is not anticipated by Bisbee is patentable over Bisbee.

Applicant submits that Bisbee fails to disclose a method whereby an identity or a signature or a document is authenticated during a real-time, live-stream videoconference and whereby the authoritative document is issued real-time. As such, Applicant submits that its method is not anticipated by Bisbee is patentable over Bisbee.

Applicant submits that with respect to Skarbo, the Examiner's objection be reconsidered in lieu of the foregoing analysis of Bisbee. Applicant further

submits that Skarbo fails to disclose a method of identity, or signature, or document authentication. Skarbo discloses a method of document collaboration.

### **DEPENDENT CLAIM OBJECTIONS**

Applicant respectfully submits that the foregoing arguments with respect to independent claims 1, 24 and 51 establish sufficient basis for the objections to be withdrawn and that the dependent claims be allowed (with the exception of the claims canceled by Applicant).

In reference to claims 2-23, these claims depend from independent claim 1, which Applicant believes to be allowable in view of the arguments above. As such, applicant submits that claims 2-23 are allowable by virtue of their dependence from claim 1.

In reference to claims 25-50, these claims depend from independent claim 24, which Applicant believes to be allowable in view of the arguments above. As such, applicant submits that claims 25-50 are allowable by virtue of their dependence from claim 24.

In reference to claims 52-77, these claims depend from it independent claim 51, which Applicant believes to be allowable in view of the arguments above. As such, applicant submits that claims 52-77 are allowable by virtue of their dependence from claim 51.

### **OTHER CITED REFERENCES**

The Examiner also cited other references on PTO form 892 but did not use these references in objection the claims. Applicant submits that because these references were not used to reject the claims, the additional references do not teach method of the pending application.

### **CONCLUSION**

Applicant submits that the stated grounds of rejection in the pending claims have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding office action, and as such, the amended application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 310-739-9996 or 310-665-0111.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nick Nassiri', written over a horizontal line.

Nick Nassiri (Applicant/Inventor)